



**Title TBD: TBD**  
**Chapter TBD: TBD**  
**Article TBD: Subpoenas**

**XXX.X/XX01 Purpose and Scope**

The Board is obligated to collect all amounts owed to the Fund and to administer the Fund in accordance with the terms of Articles 1 and 17 of the Pension Code. From time to time, the Board must review Documents or obtain the oral testimony of a person in order to execute its duties under the Code. The Board is empowered by the Pension Code to issue Subpoenas to compel the production of Documents or the testimony of Witnesses under certain circumstances and subject to certain conditions. This Rule sets forth the procedures applicable to the issuance and enforcement of these Subpoenas.

**XXX.X/XX02 Definitions**

- (a) “Documents” shall mean all writings, recordings, or forms of data compilation of every kind, whether original or duplicates or copies, whether in draft or final form, and whether recorded, transcribed, taped, filmed, stored on a computer hard-drive or disk, or written.
- (b) “Issuer” shall mean the Executive Director, or the Executive Director’s designee, the Chief Legal Officer, and any other person authorized by the Board.
- (c) “Recipient” shall mean any person or entity that has received a Subpoena requiring testimony as a Witness or the production of Documents, or both.
- (d) “Subpoena” shall mean a subpoena commanding a Witness to testify and/or to provide Documents to the Fund.
- (e) “Witness” shall mean a person appearing before the Fund for the purpose of providing testimony and/or documents, either in a personal or representative capacity.

**XXX.X/XX03 Power to Issue Subpoenas**

- (a) The Board shall have the power to issue Subpoenas to compel:
  - (1) the attendance and testimony of a Witness; and
  - (2) the production of Documents.
- (b) Unless otherwise provided by law, the power to issue Subpoenas, pursuant to 40 ILCS 5/17-143.5, shall be limited to the following situations:

- (1) determining the amount of Employer payments required under 40 ILCS 5/17-116(C);
- (2) a disability pension application required under 40 ILCS 5/17-117 and 40 ILCS 5/17-117.1;
- (3) an administrative review proceeding, including, but not limited to, a return to work hearing under 40 ILCS 5/17;
- (4) efforts to collect sums due to the Fund under 40 ILCS 5/17; or
- (5) a felony forfeiture investigation 40 ILCS 5/17.

**XXX.X/XX04            Costs of Compliance and Reimbursement Procedures**

(a) When issuing a Subpoena requiring the attendance of a Witness, the Issuer shall include with the Subpoena the same fees that are required for witnesses by 705 ILCS 35/4 at the time the Subpoena is issued. As of the date of adoption of this Rule, the fee is: \$20 for each day's attendance and \$0.20 per mile, each way, for all necessary travel.

(b) Prior to responding to a Subpoena, a Recipient may request reimbursement for some or all of the actual time and expense necessary to comply. To be eligible for any reimbursement, a Recipient must contact the Issuer prior to the return date and explain the bases for the requested reimbursement. The Recipient must establish that the requested reimbursement is a customary and reasonable expense of the services required to fully comply with the Subpoena. The decision whether there is good cause under all the circumstances to grant all or a portion of the request, including whether the requested reimbursement is reasonable and customary, is within the discretion of the Issuer but may be appealed to the Board of Trustees. However, the reimbursement may under no circumstances exceed \$500 for each Subpoena without Board or Committee approval.

(c) Subpoenas may only be signed and issued by an Issuer. Regardless of who is the Issuer, the Chief Legal Officer shall approve the issuance of all Subpoenas.

(d) Subpoenas shall allow at least fourteen (14) calendar days for compliance, but the Issuer may set a longer time period for compliance if the Issuer in his/her sole discretion determines that the circumstances warrant additional time beyond the standard fourteen (14) calendar days.

(e) A Recipient may request an extension of time, which shall be granted upon a showing of good cause. The Recipient must contact the Issuer to make any such request before the return date. Upon a showing of good cause, as determined solely by the Issuer, the Issuer shall either grant the extension, as requested, or grant a shorter or longer extension, as the Issuer deems appropriate in their sole discretion.

**XXX.X/XX05            Non-Compliance and Enforcement**

(a) In the event a Recipient has not fully complied with a Subpoena within the time limit established pursuant to this Rule, which shall include a failure to provide Documents in the particular form requested, or a failure to transfer the Documents to the Fund in the manner requested:

(1) if the Recipient has made no request for an extension of time, for reimbursement of reasonable expenses, or for limitations on the scope of the request, the Issuer shall report the non-compliance to the Board at the next scheduled Board meeting. The Board, in its discretion, shall determine whether to petition the Circuit Court of Cook County for an order requiring compliance, unless the Board determines that good cause exists to delay enforcement in order to allow for voluntary compliance;

(2) if the Recipient has requested an extension of time, reimbursement of reasonable expenses, or limitations on the scope of the Subpoena, and those requests remain unresolved by the Issuer, then the Issuer shall notify the Board of the current status of the requests; or

(3) if a request for an extension of time, reimbursement of reasonable expenses, or limitations on the scope of the Subpoena have been granted, in whole or in part, and the Recipient then fails to comply with the Subpoena within the allotted time, the Issuer shall report this non-compliance to the Board at the next scheduled Board meeting. The Board, in its discretion, shall determine whether to petition the Circuit Court of Cook County for an order requiring compliance, unless the Board in its sole discretion determines that good cause exists to delay enforcement in order to allow for voluntary compliance without resort to legal action.

(b) The Recipient may petition the Circuit Court of Cook County:

(1) for an order that alters the terms, or quashes in whole or in part, of a Subpoena, or

(2) if the Board disagrees that the claimed reimbursement is reasonable and customary, for an order conditioning enforcement of the Subpoena upon payment of the reasonable expenses of compliance, as determined by the court.